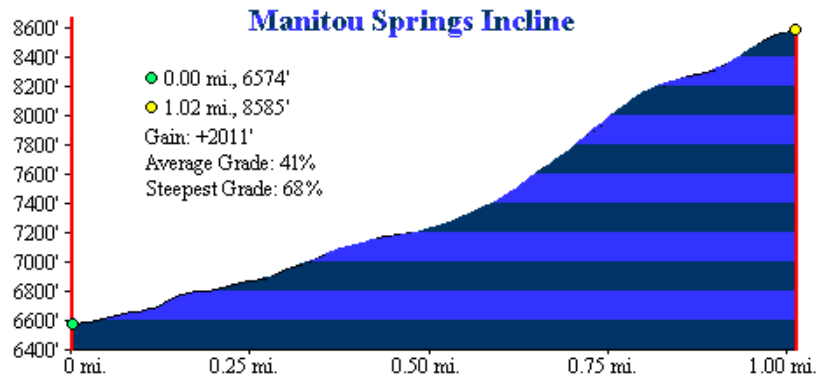


MANITOU INCLINE IN BRIEF¹

What is the Incline?

In brief, the Incline as it exists today is the roadbed to the former Mount Manitou Scenic Incline Railway — a cable car that took people up the eastern face of Rocky Mountain to about 8,600'. The steepest section is at a grade of 68% with the average grade just over 40%. The railway quit operations in

1990, and the owners removed the rails leaving a staircase of railroad ties that has become one of the most popular attractions in the region despite the fact that access is prohibited. While there have not been any formal efforts to count the actual number of users, the U.S. Forest Service has estimated that 70,000 people use the incline annually. It is not uncommon to see people ages 7-70 using the Incline as well as Olympic athletes and members of the military.



Incline Ownership and Control

The Manitou Incline route is owned by three different parties: the City of Colorado Springs owns the bottom 25% on behalf of Colorado Springs Utilities, Manitou and Pikes Peak Railway Company (known as the “Cog”) owns the middle 50%, and the U.S. Forest Service (USFS) owns the top 25%. The segments of the Incline Trail located within the City of Manitou Springs are zoned Hillside Low Density Residential (HLDR), which allows for single family homes. A recreation facility is not a use expressly allowed in the HLDR district and will require a conditional use permit.

City of Colorado Springs and Manitou and Pikes Peak Railway Company (Cog)

Both the City and the Cog have a vested interest in managing access to the Incline for trail and utility purposes:

- A City-owned water main is located within the trail corridor and is impacted by on-going erosion from prohibited use of the Incline. The City believes managing use better protects the infrastructure.
- An estimated 70,000 people per year or more trespass on the Incline (and Cog property) for recreation purposes, creating liability for the Cog. The Cog would like relief from the liability.

Further, the City owns several parcels of land within the vicinity of the Cog, and the Cog is in need of additional parking to serve the 250,000+ customers per year who ride the train to the top of Pikes Peak. (There is limited land suitable for parking available in Ruxton Canyon where the Cog is located.)

Therefore, to protect utility infrastructure and allow for legitimate public use of the Incline, the City has negotiated a revocable license with the Cog for access and control of Cog-owned Incline property for trail purposes. In exchange, the City has issued a revocable license allowing the Cog use of City property for Cog customer parking. The licenses are for a term of 25 years (City Charter limits license agreements to 25 years), are renewable, and are contingent upon

¹ Information in this document was provided by the Incline Club (www.inclineclub.com), City of Colorado Springs staff, and City of Manitou Springs staff.

each other. That is, if one party terminates a license, the other license is automatically terminated as well. The parties believe that making the license agreements mutually dependent provides greater assurance that each party will meet the terms of the agreements.

The Cog and the City signed the revocable license for use of City property for parking on April 9, 2009. The revocable license for use of Cog property for trail and utility purposes has been drafted, but the City and the Cog have delayed signing the license until a plan is in place for management of the trail.

City and U.S. Forest Service

USFS supports issuing the City a special use permit for access to their segment of the Incline once planning is complete and the City can outline how the site will be managed. Managed use will mitigate on-going resource damage (erosion and social paths) resulting from prohibited use of USFS property by Incline users who cross USFS property to access the adjacent Barr Trail and descend from the Incline summit. Coincidentally, the USFS Barr Trail, also crosses Cog property. USFS has a trail easement through the property that protects the Cog from liability.

City of Colorado Springs and City of Manitou Springs

As a further demonstration of regional commitment to this project, the City of Colorado Springs and the City of Manitou Springs entered into an Intergovernmental Agreement to cooperatively plan for the opening of the Manitou Incline for public use. Further, the Cities of Manitou Springs and Colorado Springs are developing a revocable license to operate the Barr Trailhead Parking (also used by Incline users), which is owned by the City of Colorado Springs.

Incline Maintenance

Although several people have informally maintained the Incline, no formal steps have been taken by any of the property owners to maintain the Incline since 1997. The Friends of the Peak maintain Barr Trail.

Past Efforts to Open the Incline to the Public

Organized efforts to open the Incline date back to 2003, when a group calling themselves the Friends of the Incline Coalition prepared a Feasibility Plan for opening the Incline to the public. That same year, the Friends of the Peak passed a resolution supporting the Friends of the Incline Coalition with conservation, reclamation, and re-vegetation of the Incline and assisting with the initiation of a dialogue between all interested parties to ensure on-going stewardship of the property and allow public use and enjoyment of the incline in a safe and legal manner.

On October 31, 2003, these groups held their first meeting with the management of the COG Railway to identify issues and needs with regard to the Upper Ruxton Canyon area. Starting in December 2003, a series of meetings were held involving all three property owners. The meetings were facilitated by then Mayor of Colorado Springs, Mary Lou Makepeace, and Ken Jaray, a local attorney-mediator. The purpose of the meetings was to discuss the status of the Incline and increasing use of upper Ruxton Canyon as well as to identify the interests and needs of all property owners. Participants reviewed the feasibility plan; insufficient parking availability in Ruxton Canyon was identified then and continues to be a major impediment to opening the Incline for public use.

In April 2004, the Rocky Mountain Field Institute prepared a memorandum to the USFS providing general comments on design alternatives for the stabilization and rehabilitation of the Incline. In May 2004, the Friends of the Incline Coalition prepared a draft Upper Ruxton Canyon Recreation Use Plan. Talks ended in 2004.